

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

27

U.S.C.A. #

U.S.D.C. #

07-cv-4687

JUDGE:

VM

DATE:

4/25/2008

Martinez

-v-

Ravikumar

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME):

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

** ONLY CIRCLED DOCUMENTS ARE INCLUDED **

** ALL OTHERS MISSING AT THIS TIME **

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the ~~29th~~ Day of April, 2008.

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 26, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

BALANCE OF FILE MISSING AT THIS TIME

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 25th Day of April In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By _____

[Signature]
Deputy Clerk

APPEAL, CASREF, CLOSED, PLRA, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-04687-VM-HBP
Internal Use Only

Martinez v. Ravikumar
Assigned to: Judge Victor Marrero
Referred to: Magistrate Judge Henry B. Pitman
Cause: 42:1983 Civil Rights Act

Date Filed: 06/04/2007
Date Terminated: 02/22/2008
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison Condition
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/04/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Mara Martinez.(laq) (Entered: 06/11/2007)
06/04/2007	<u>2</u>	COMPLAINT against Sundaram Ravikumar. Document filed by Mara Martinez.(laq) (Entered: 06/11/2007)
06/04/2007		Magistrate Judge Henry B. Pitman is so designated. (laq) (Entered: 06/11/2007)
06/04/2007	<u>3</u>	60 DAYS ORDER....Plaintiff's request to proceed in forma pauperis is granted. For the reasons set forth in this order, plaintiff is directed to file an amended complaint within 60 days. The Court grants plaintiff leave to amend her complaint in order to detail her claim that prison/officials and/or prison-affiliated doctors were deliberately indifferent to her serious medical needs, and to name the individuals personally involved in allegedly violating her constitutional right to adequate medical attention. The amended complaint must be submitted to this Court's Pro Se office within 60 days of the date of this order, be captioned as an "AMENDED COMPLAINT" and bear the same docket number as this order. Plaintiff is advised that her amended complaint will completely replace his original complaint. No summons shall issue at this time and all further proceedings shall be stayed for 60 days or until plaintiff has complied with this order. If plaintiff fails to comply with this order within the time allowed or show good cause why she cannot comply, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. certify pursuant to 28 U.S.C. 1915(a)...that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/4/7) (laq) (Entered: 06/11/2007)
07/13/2007	4	AMENDED COMPLAINT against Dolores Thornton, Sundaram Ravikumar amending 2 Complaint with JURY DEMAND. Document filed by Mara Martinez. Related document: 2 Complaint filed by Mara Martinez.(jp) (Entered: 07/18/2007)
07/23/2007	5	NOTICE OF CASE REASSIGNMENT to Judge Victor Marrero. Judge Kimba M. Wood is no longer assigned to the case. (laq) (Entered: 07/30/2007)
07/30/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 07/30/2007)
08/10/2007		SUMMONS ISSUED as to Dolores Thornton, Sundaram Ravikumar. (tro) (Entered: 08/15/2007)
08/10/2007		Case Designated PLRA purs. to Prison Litigation Reform Act Section 7(2)(g)(2). (tro) (Entered: 08/15/2007)
09/25/2007	<u>6</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and 30/60 Days Amended Complaint served. Dolores Thornton served on 9/5/2007, answer due 9/25/2007. Service was made by Mail. Document filed by Mara Martinez. (jpo) (Entered: 09/26/2007)
10/10/2007	<u>7</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED. Sundaram Ravikumar served on 9/7/2007, answer due 9/27/2007. Service was accepted by Sundaram Ravikumar. Document filed by Mara Martinez. (dle) (Entered: 10/15/2007)
10/17/2007	8	ENDORSED LETTER addressed to Judge Victor Marrero from Daniel Schulze dated 10/11/07 re: Counsel for defendant Thornton in this action requests an extension of the time to file a response to the complaint until 11/30/07. ENDORSEMENT: Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint is extended to 11/30/07. SO ORDERED. Dolores Thornton answer due 11/30/2007. (Signed by Judge Victor Marrero on 10/15/07) (db) (Entered: 10/18/2007)
11/09/2007	<u>9</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Henry B. Pitman. The parties are directed that henceforth all correspondence pertaining to case management, scheduling and pretrial proceedings, including amendments of an approved case management plan, extensions of any deadlines, discovery disputes, non-dispositive pretrial motions, and any other proceedings prior to the completion of all discovery, shall be addressed to the designated Magistrate Judge in the first instance, except as may be otherwise authorized by the Court or the Magistrate Judge, and provided that with regard to matters referred to the Magistrate Judge on consent under 28 USC 636(c), all such communications shall be addressed solely to the Magistrate Judge. (Signed by Judge Victor Marrero on 11/5/07) (dle) Modified on 11/15/2007 (Lewis, Diabann). (Entered: 11/15/2007)
11/29/2007	10	MOTION for an order dismissing the complaint pursuant to FRCP 12(b)(6) and 42 U.S.C. 1997e. Document filed by Dolores Thornton, Sundaram Ravikumar. (dle) (Entered: 12/03/2007)
11/29/2007	11	MEMORANDUM OF LAW in Support re: 10 MOTION to Dismiss. Document filed by Dolores Thornton, Sundaram Ravikumar. (dle) (Entered: 12/03/2007)
11/30/2007	<u>12</u>	ORDER: Any motions to amend the pleadings or to join additional parties shall be served and filed no later than 1/29/08. All parties shall make all disclosures required by Fed. R. Civ. P. 26(a)(1) no later than 1/29/08. All discovery is to be completed no later than 5/29/08. Plaintiff shall make all disclosures required by Fed. R. Civ. P. 26(a) (expert disclosures) no later than 3/28/08. Defendants shall be served no later than 6/30/08. Pretrial Order due by 7/29/2007 or thirty (30) days after the decision on any dispositive motion, whichever is later. No later than 1/29/08, the parties shall advise me in writing whether they object to the proposed schedule. (Signed by Magistrate Judge Henry B. Pitman on 11/29/07) Copies Mailed By Chambers. (tro) (Entered: 12/03/2007)

12/03/2007	13	ENDORSED LETTER addressed to Judge Victor Marrero from Daniel Schulze dated 11/28/2007 re: request that the time for defendant Ravikumar be extended, nunc pro tunc as necessary, to 12/6/2007. ENDORSEMENT: Request Granted. The time for defendant to answer or move with respect to the complaint in this action is extended to 12/6/2007 as to defendant Ravikumar. (Signed by Judge Victor Marrero on 11/30/2007) (jar) (Entered: 12/05/2007)
12/27/2007	15	MOTION for Extension of Time to answer defendant's Motion for Dismissal. Document filed by Mara Martinez.(cd) (Entered: 01/04/2008)
12/28/2007	14	MEMO ENDORSEMENT on unfiled Motion for Extension of Time: Plaintiff's time to respond to defendant's motion is extended to 2/15/08. Set Deadlines/Hearing as to 10 MOTION to Dismiss.(Response due by 2/15/2008) (Signed by Magistrate Judge Henry B. Pitman on 12/28/07) (cd) (Entered: 01/03/2008)
01/03/2008	16	MOTION for the Court to Request Counsel. Document filed by Mara Martinez.(dj) (Entered: 01/08/2008)
01/03/2008	17	MOTION for Leave to Proceed in forma pauperis. Document filed by Mara Martinez.(dj) (Entered: 01/09/2008)
01/10/2008	18	ORDER denying 16 Motion to Appoint Counsel for petitioner Mara Martinez. (Signed by Judge Victor Marrero on 1/10/2008) (jmi) (Entered: 01/11/2008)
01/11/2008	19	MEMO ENDORSEMENT on 15 Notice of Motion for Extension of Time. Endorsement: Application Granted. (Signed by Magistrate Judge Henry B. Pitman on 1/11/2008) (jar) (Entered: 01/14/2008)
02/22/2008	20	DECISION AND ORDER: For the reasons set forth herein, the motion of defendants Sundaram Ravikumar and Dolores Thornton to dismiss the complaint of plaintiff Mara Martinez is GRANTED. (Signed by Judge Victor Marrero on 2/22/08) (dle) (Entered: 02/22/2008)
02/22/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 20 Order on Motion to Dismiss, to the Judgments and Orders Clerk. (dle) (Entered: 02/22/2008)
02/22/2008	21	CLERK'S JUDGMENT That for the reasons stated in the Court's Decision and Order dated February 22, 2008, defendants motion to dismiss the complaint is granted. (Signed by J. Michael McMahon, clerk on 2/22/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 02/22/2008)
02/25/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Dolores Thornton, Mara Martinez, Sundaram Ravikumar and to Attorney(s) of Record: Daniel A. Schulze. (ama) (Entered: 02/25/2008)
03/04/2008	26	NOTICE OF APPEAL from 21 Clerk's Judgment. Document filed by Mara Martinez. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 04/24/2008)
03/04/2008		Appeal Remark as to 26 Notice of Appeal filed by Mara Martinez. \$455.00 APPEAL FEE DUE. (tp) (Entered: 04/24/2008)
03/07/2008	22	MEMO ENDORSEMENT on Notice that upon the annexed affirmation of Mara Martinez, affirmed on February 23, 2008 and upon the pleadings herein, the Plaintiff respectfully submits this affirmation in response to the Defendant's Motion to Dismiss I declare under penalty of perjury that the foregoing is true and correct. ENDORSEMENT: Defendants are directed to respond by 3-28-08 to the submission of the plaintiff herein, showing cause why this action should not be reopened at this time, rather than requiring the filing of a new action, in the light of plaintiff's documentation of the CORC ruling on 8-22-07 SO ORDERED (Responses due by 3/28/2008) (Signed by Judge Victor Marrero on 3/7/2008) (jmi) (Entered: 03/07/2008)
03/11/2008	25	MOTION for Reconsideration. Document filed by Mara Martinez.(jmi) (Entered: 04/02/2008)
03/26/2008	23	MEMORANDUM OF LAW in Opposition to reinstatement of this case (submitted in response to the Court's Order to Show Cause. Document filed by Dolores Thornton, Sundaram Ravikumar. (jco) (Entered: 03/27/2008)
03/31/2008	24	ENDORSED LETTER addressed to Judge Victor Marrero from Daniel Schulze dated 3/26/2008 re: Defendants' Memorandum of Law in Opposition to Reinstatement of this case (submitted response to the Court's Order to Show Cause.) ENDORSEMENT: Upon consideration of defendants response to the Court's Order dated 3/7/2008 to show cause why this case should not be reinstated, the Court concurs that the case should remain closed, essentially for the reasons stated in Defendants' Memorandum of Law in Opposition to Reinstatement of this case, dated 3/26/2008. (Signed by Judge Victor Marrero on 3/31/2008) (jpo) (Entered: 03/31/2008)
04/24/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 26 Notice of Appeal. (tp) (Entered: 04/24/2008)
04/24/2008		Transmission of Notice of Appeal to the District Judge re: 26 Notice of Appeal. (tp) (Entered: 04/24/2008)